

REMARKS

Claims 1 to 40 remain pending in the application without amendment.

Claim rejection under 35 U.S.C. § 112

The Applicant respectfully disagrees with the rejection that the subject matter of claim 1 fails to comply with the written description requirement. The Applicant submits that the limitation “negative end-of-game criterion evaluation” is taught in the specification.

In paragraph 0017, when the specification teaches “to evaluate fulfillment of an end-of-game criterion”, to perform a first action “when the criterion is fulfilled” and “otherwise [...] to continue providing cards”, it clearly teaches to evaluate in which of the two possible states the situation falls, either in the criterion being fulfilled or not, and the criterion being not fulfilled is clearly a synonym of a “negative end-of-game criterion evaluation” which is the same as “an evaluation of the end-of-game criterion having a negative outcome”. It would also be equivalent to “when the [end-of-game] criterion is not fulfilled”.

Accordingly, the Applicant believes that the above arguments overcome the rejection of claim 1 under 35 U.S.C. 112. The Applicant respectfully requests that this rejection be withdrawn.

Claim rejections under 35 U.S.C. § 102(b)

In view of Banyai (U.S. 2001/0034262 A1)

Of claims 1 and 22

Claims 1 and 22 are rejected under 35 U.S.C. §102 for being anticipated by Banyai. The Applicant respectfully disagrees.

Claim 1 recites the steps of:

- receiving a request for a play of said game; and
- preventing comparison of said draw result with a **new game card** upon a positive end-of-game criterion evaluation, while maintaining the current draw for a **further play request** upon a negative end-of-game criterion evaluation.

The Applicant believes these characteristics to be absent from Banyai. Banyai teaches at steps (a) and (b) (paragraphs 0006 and 0007) to assign numbers to a player's participation in the game (such as in a keno game or a bingo game), and the random draw of an initial amount of

comparison numbers. The player's assigned numbers are compared to the drawn comparison numbers (at steps (c) and (d), paragraphs 0008 and 0009), and depending on the outcome of the comparison process, the player is awarded a prize (at step (c), paragraph 0008) or **additional** numbers are drawn (at step (e), paragraph 0010) to **complete** the set of comparison numbers in order to perform one or more additional comparison processes of the player's assigned numbers to the new set of comparison numbers (composed of the last drawn comparison numbers **in addition** to the previously drawn comparison numbers) – “until the player's assigned first plurality of designations match designations drawn in steps (c) and (e)”, paragraph 0010. This process continues using the same player's assigned number and the same **initially drawn comparison numbers** until the player wins a prize or a limit number of comparison numbers is reached (expressed as “a second plurality of designations fewer than all designations in such set are drawn from such set”).

Therefore, the Applicant believes the rejection of claims 1 and 22 is improper since Banyai does not teach some of the claim limitations. Claims 1 and 22 refer to further plays of the game using new game cards, not additional cards combined to the one already dealt to the player for further comparison.

In view of the above arguments, the Applicant believes the rejections under 35 U.S.C. §102(b) to be overcome. The Applicant respectfully requests that the rejections of claims 1 and 22 be withdrawn.

Of claim 2

Claim 2 is rejected under 35 U.S.C. §112 for anticipation by Banyai.

In the Office Action, it is stated that “Banyai teaches said end-of-game criterion compris[ing] a unique criterion associated with a unique end-of-game prize [Fig. 1 items 24, 22]”.

According to the Applicant's understanding of what is similar to the end-of-game criterion in Banyai (i.e., what determines when to end the draw of additional comparison numbers), it does not teach the use of a **unique criterion associated with a unique end-of-game prize**. Rather, Banyai teaches two criteria associated with different prize values: a first criterion (3 matches only, Fig. 1 item 24) associated with a first prize (Fig. 1, item 24) and a second criterion (4 matches, Fig. 1, items 18 and 28) associated with a series of **different** prizes (Fig. 1,

items 20 and 30, and paragraph 0036 wherein it is described to pay different prize levels based on the number of drawn comparison numbers necessary to perform the match).

These clarifications are provided for teaching purpose only since the Applicant believes the end-of-game criterion defined in claim 1 to be different from what is taught by Banyai. Nevertheless, the Applicant believes the above arguments overcome the rejection of claim 2. The Applicant respectfully requests that the rejection of claim 2 be withdrawn.

Of claims 3, 4, 5, 6, 7, 8, 12, 13 and 40

Claims 3 to 8, 12, 13 and 40 are rejected under 35 U.S.C. §102(b) for anticipation by Banyai.

In view of the arguments made for claims 1 and 22, the Applicant believes that the rejections to the foregoing claims are moot. Withdrawal of the claim rejections is therefore respectfully requested.

Of claim 34

The Applicant respectfully submits that Banyai, and particularly not in paragraph 0030, does not teach the use of a plurality of draw registers with each one of them being associated with a different game title. Instead, Banyai describes different physical embodiments; one of them being composed of a server networked with a plurality of gaming terminals. Draw registers are not described in Banyai.

Therefore, the Applicant believes that the above arguments overcome the rejection of claim 34 under 35 U.S.C. §102(b) and respectfully requests that the rejection be withdrawn.

Claim rejections under 35 U.S.C. § 103(a)

Over Banyai (U.S. 2001/0034262 A1) in view of Itkis et al. (U.S. 2002/0094860) and the Kentucky State Gaming Regulations

Of claims 8 to 27, 28 to 33, and 35 to 39

In view of the above arguments referring to independent claims 1 and 22, the Applicant believes claim rejections of claims 8 to 27, 29 to 33, and 35 to 39 are moot. The Applicant requests the withdrawal of these rejections.

Claim rejection under unidentified grounds**Of claim 40**

The Applicant points out that claim 40 is not explicitly rejected in the Office Action apart from the Office Action Summary. The Applicant requests reconsideration of claim 40.

General comments

The Applicant has fully considered the references in their entirety in preparing the present Response to Office Action.

The Applicant would further like to point out that a related application has been allowed in relation with the present application (U.S. patent no. 7,270,603). Some of the arguments submitted in the prosecution of the foregoing patent may be applicable to the instant case.

It is therefore submitted that the whole set of claims herein provided is in condition for allowance. Reconsideration of the Office Action's rejections is respectfully requested. Allowance of claims 1 to 40 at an early date is solicited.

In the event that there are any questions concerning this Response to an Office Action or the application in general, the Examiner is respectfully urged to telephone the undersigned so that prosecution of this application may be expedited.

Respectfully submitted,

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